

REFERENCE TITLE: class G driver licensees

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2513

Introduced by
Representatives Rosati, Downing, O'Halleran, Smith: Burges, Lopez L

AN ACT

AMENDING SECTIONS 28-3153, 28-3154, 28-3156 AND 28-3174, ARIZONA REVISED STATUTES; AMENDING SECTION 28-3174, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 28-3321, ARIZONA REVISED STATUTES; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3153, Arizona Revised Statutes, is amended to
3 read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is under eighteen years of age,
7 except that the department may issue:

8 (a) A restricted instruction permit for a class D or G license to a
9 person who is at least fifteen years of age.

10 (b) An instruction permit for a class D, G or M license as provided by
11 this chapter to a person who is at least fifteen years and ~~seven~~ SIX months
12 of age.

13 (c) A class G or M license as provided by this chapter to a person who
14 is at least sixteen years of age.

15 2. A class D, G or M license or instruction permit to a person who is
16 under eighteen years of age and who has been tried in adult court and
17 convicted of a second or subsequent violation of criminal damage to property
18 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
19 felony offense in the commission of which a motor vehicle is used, including
20 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
21 of transportation pursuant to section 13-1803 or theft of means of
22 transportation pursuant to section 13-1814, or who has been adjudicated
23 delinquent for a second or subsequent act that would constitute criminal
24 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
25 adjudicated delinquent for an act that would constitute a felony offense in
26 the commission of which a motor vehicle is used, including theft of a motor
27 vehicle pursuant to section 13-1802, unlawful use of means of transportation
28 pursuant to section 13-1803 or theft of means of transportation pursuant to
29 section 13-1814, if committed by an adult.

30 3. A class A, B or C license to a person who is under twenty-one years
31 of age, except that the department may issue a class A, B or C license that
32 is restricted to only intrastate driving to a person who is at least eighteen
33 years of age.

34 4. A license to a person whose license or driving privilege has been
35 suspended, during the suspension period.

36 5. Except as provided in section 28-3315, a license to a person whose
37 license or driving privilege has been revoked.

38 6. A class A, B or C license to a person who has been disqualified
39 from obtaining a commercial driver license.

40 7. A license to a person who on application notifies the department
41 that the person is an alcoholic as defined in section 36-2021 or a drug
42 dependent person as defined in section 36-2501, unless the person
43 successfully completes the medical screening process pursuant to section
44 28-3052 or submits a medical examination report that includes a current
45 evaluation from a substance abuse counselor indicating that, in the opinion

1 of the counselor, the condition does not affect or impair the person's
2 ability to safely operate a motor vehicle.

3 8. A license to a person who has been adjudged to be incapacitated
4 pursuant to section 14-5304 and who at the time of application has not
5 obtained either a court order that allows the person to drive or a
6 termination of incapacity as provided by law.

7 9. A license to a person who is required by this chapter to take an
8 examination unless the person successfully passes the examination.

9 10. A license to a person who is required under the motor vehicle
10 financial responsibility laws of this state to deposit proof of financial
11 responsibility and who has not deposited the proof.

12 11. A license to a person if the department has good cause to believe
13 that the operation of a motor vehicle on the highways by the person would
14 threaten the public safety or welfare.

15 12. A license to a person whose driver license has been ordered to be
16 suspended pursuant to section 25-518.

17 B. The department shall not issue a driver license to or renew the
18 driver license of the following persons:

19 1. A person about whom the court notifies the department that the
20 person violated the person's written promise to appear in court when charged
21 with a violation of the motor vehicle laws of this state until the department
22 receives notification in a manner approved by the department that the person
23 appeared either voluntarily or involuntarily or that the case has been
24 adjudicated, that the case is being appealed or that the case has otherwise
25 been disposed of as provided by law.

26 2. If notified pursuant to section 28-1601, a person who fails to pay
27 a civil penalty as provided in section 28-1601, except for a parking
28 violation, until the department receives notification in a manner approved by
29 the department that the person paid the civil penalty, that the case is being
30 appealed or that the case has otherwise been disposed of as provided by law.

31 C. The magistrate or the clerk of the court shall provide the
32 notification to the department prescribed by subsection B of this section.

33 D. Notwithstanding any other law, the department shall not issue to or
34 renew a driver license or nonoperating identification license for a person
35 who does not submit proof satisfactory to the department that the applicant's
36 presence in the United States is authorized under federal law. For an
37 application for a driver license or a nonoperating identification license,
38 the department shall not accept as a primary source of identification a
39 driver license issued by a state if the state does not require that a driver
40 licensed in that state be lawfully present in the United States under federal
41 law. The director shall adopt rules necessary to carry out the purposes of
42 this subsection. The rules shall include procedures for:

43 1. Verification that the applicant's presence in the United States is
44 authorized under federal law.

2. Issuance of a temporary driver permit pursuant to section 28-3157 pending verification of the applicant's status in the United States.

Sec. 2. Section 28-3154, Arizona Revised Statutes, is amended to read: 28-3154. Instruction permit for a class D or G license

A. A person who is at least fifteen years and ~~seven~~ SIX months of age may apply to the department for an instruction permit for a class D or G license. The department may issue an instruction permit to the applicant after the applicant successfully passes all parts of the examination other than the driving test.

B. The instruction permit entitles the permittee to drive a motor vehicle requiring a class D or G license on the public highways for twelve months when both of the following conditions are met:

1. The permittee has the permit in the permittee's immediate possession.

2. The permittee is accompanied by a person who has a class A, B, C or D license, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE and who occupies a seat beside the permittee.

Sec. 3. Section 28-3156, Arizona Revised Statutes, is amended to read: 28-3156. Class M instruction permit

A. A person who is at least fifteen years and ~~seven~~ SIX months of age may apply to the department for an instruction permit for a class M license. The department may issue an instruction permit to the applicant after the applicant successfully passes all parts of the examination other than the motorcycle skill test.

B. The permit entitles the permittee to operate a motorcycle requiring a class M license or endorsement when the permittee has the permit in the permittee's immediate possession. The permit is valid for six months from the date of issuance.

C. The permittee shall not operate a motorcycle as follows:

1. On a controlled access highway as defined in section 28-601.

2. On a public highway from sunset to sunrise or when there is insufficient light to clearly discern a person and a vehicle on the highway at a distance of five hundred feet.

D. The department shall not issue more than two class M permits to the same person within twenty-four months.

Sec. 4. Section 28-3174, Arizona Revised Statutes, is amended to read: 28-3174. Class G driver licenses; motorcycles

A. A person who is under eighteen years of age may apply to the department for a class G driver license if all of the following apply:

1. The person is at least sixteen years of age.

2. The person has a valid instruction permit issued pursuant to this article and the person has held the instruction permit for at least ~~five~~ SIX months, except that this requirement does not apply to a person who has a currently valid driver license issued by another jurisdiction.

1 3. Either:

2 (a) The person has satisfactorily completed a driver education program
3 that is approved by the department of transportation. If the driver
4 education program is offered by a public high school, the program shall be
5 approved by the department of transportation in consultation with the
6 department of education.

7 (b) A custodial parent or guardian of the person certifies in writing
8 to the department that the applicant has completed at least ~~twenty-five~~
9 THIRTY hours of supervised driving practice and that at least ~~five~~ SIX of the
10 required practice hours were at night.

11 B. If the applicant successfully passes the examination prescribed in
12 section 28-3164 and satisfies the requirements prescribed in subsection A of
13 this section, the department may issue a class G driver license to the
14 applicant.

15 C. A class G driver license entitles the licensee to drive a motor
16 vehicle that requires a class G license on the public highways.

17 D. A person who holds a class G driver license may apply for a class D
18 license on or after the person's eighteenth birthday, except that a person
19 whose class G driver license is suspended pursuant to section 28-3321 is not
20 entitled to receive a class D driver license until after the suspension
21 period expires.

22 E. If a person who is under eighteen years of age and at least sixteen
23 years of age applies for a class M license or a motorcycle endorsement, the
24 department shall not issue the class M license or motorcycle endorsement to
25 the person unless both of the following apply:

26 1. The applicant has held an instruction permit issued pursuant to
27 section 28-3156 for at least ~~five~~ SIX months, except that this requirement
28 does not apply to a person who has a currently valid motorcycle driver
29 license or endorsement issued by another jurisdiction.

30 2. Either:

31 (a) The person has satisfactorily completed a motorcycle driver
32 education program that is approved by the department. If the driver
33 education program is offered by a public high school, the program shall be
34 approved by the department of transportation in consultation with the
35 department of education.

36 (b) A custodial parent or guardian of the person certifies in writing
37 to the department that the applicant has completed at least twenty-five hours
38 of motorcycle driving practice.

39 Sec. 5. Section 28-3174, Arizona Revised Statutes, as amended by
40 section 4 of this act, is amended to read:

41 28-3174. Class G driver licenses; motorcycles; violations;
42 civil penalty

43 A. A person who is under eighteen years of age may apply to the
44 department for a class G driver license if all of the following apply:

45 1. The person is at least sixteen years of age.

2. The person has a valid instruction permit issued pursuant to this article and the person has held the instruction permit for at least six months, except that this requirement does not apply to a person who has a currently valid driver license issued by another jurisdiction.

3. Either:

(a) The person has satisfactorily completed a driver education program that is approved by the department of transportation. If the driver education program is offered by a public high school, the program shall be approved by the department of transportation in consultation with the department of education.

(b) A custodial parent or guardian of the person certifies in writing to the department that the applicant has completed at least thirty hours of supervised driving practice and that at least six of the required practice hours were at night.

B. If the applicant successfully passes the examination prescribed in section 28-3164 and satisfies the requirements prescribed in subsection A of this section, the department may issue a class G driver license to the applicant.

C. **EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION**, a class G driver license entitles the licensee to drive a motor vehicle that requires a class G license on the public highways.

D. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, FOR THE FIRST SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT DRIVE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS FROM 12:00 A.M. TO 5:00 A.M. UNLESS EITHER:

1. THE LICENSEE IS ACCOMPANIED BY A PERSON WHO HAS A CLASS A, B, C OR D LICENSE, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO OCCUPIES A SEAT BESIDE THE CLASS G LICENSEE.

2. THE LICENSEE IS RETURNING FROM A SCHOOL ACTIVITY OR FROM A PLACE OF EMPLOYMENT.

~~D.~~ E. A person who holds a class G driver license may apply for a class D license on or after the person's eighteenth birthday, except that a person whose class G driver license is suspended pursuant to **SUBSECTION G OF THIS SECTION OR** section 28-3321 is not entitled to receive a class D driver license until after the suspension period expires.

~~E.~~ F. If a person who is under eighteen years of age and at least sixteen years of age applies for a class M license or a motorcycle endorsement, the department shall not issue the class M license or motorcycle endorsement to the person unless both of the following apply:

1. The applicant has held an instruction permit issued pursuant to section 28-3156 for at least six months, except that this requirement does not apply to a person who has a currently valid motorcycle driver license or endorsement issued by another jurisdiction.

2. Either:

(a) The person has satisfactorily completed a motorcycle driver education program that is approved by the department. If the driver education program is offered by a public high school, the program shall be approved by the department of transportation in consultation with the department of education.

(b) A custodial parent or guardian of the person certifies in writing to the department that the applicant has completed at least twenty-five hours of motorcycle driving practice.

G. IF A PERSON IS FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION UNDER THIS SECTION, BOTH OF THE FOLLOWING APPLY:

1. THE PERSON IS SUBJECT TO A MAXIMUM CIVIL PENALTY OF TWENTY-FIVE DOLLARS.

2. THE COURT SHALL REPORT THE VIOLATION TO THE DEPARTMENT. ON RECEIPT OF THE REPORT, THE DEPARTMENT SHALL SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR THIRTY DAYS. IF THE LICENSEE ALSO HAS A SUSPENSION RESULTING FROM A MOVING CIVIL OR CRIMINAL TRAFFIC OFFENSE AS PRESCRIBED BY SECTION 28-3321, THE SUSPENSIONS SHALL RUN CONSECUTIVELY.

H. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, IF A PERSON'S DRIVING PRIVILEGE IS SUSPENDED PURSUANT TO SUBSECTION G OF THIS SECTION, THE SIX MONTH PERIOD PRESCRIBED BY SUBSECTION D OF THIS SECTION SHALL BE EXTENDED BY THIRTY DAYS.

I. THE RESTRICTIONS IMPOSED BY SUBSECTION D OF THIS SECTION DO NOT APPLY BEGINNING ON THE LICENSEE'S EIGHTEENTH BIRTHDAY.

J. AN INSURER SHALL NOT CONSIDER A CIVIL TRAFFIC VIOLATION UNDER THIS SECTION AS A TRAFFIC VIOLATION AGAINST THE PERSON FOR THE PURPOSES OF ESTABLISHING RATES FOR MOTOR VEHICLE LIABILITY INSURANCE OR DETERMINING THE INSURABILITY OF THE PERSON. AN INSURER SHALL NOT CANCEL OR REFUSE TO RENEW ANY POLICY OF INSURANCE BECAUSE OF THE VIOLATION.

Sec. 6. Section 28-3321, Arizona Revised Statutes, is amended to read:

28-3321. Moving violations by persons under eighteen years of age; traffic survival school; suspension

A person who holds a driver permit or license and who is found responsible for a moving civil traffic violation pursuant to this title or who is convicted of a moving criminal traffic offense pursuant to this title, excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382, ~~and~~ 28-1383 AND 28-3174, and who commits the moving civil traffic violation or moving criminal traffic offense while the person is under eighteen years of age is subject to the following:

1. On receipt of the first record of judgment or conviction, the department shall order the person to attend and successfully complete traffic survival school training and educational sessions.

2. On receipt of the second record of judgment or conviction, the department shall suspend the person's driving privilege for three months.

1 3. On receipt of the third record of judgment or conviction, the
2 department shall suspend the person's driving privilege for six months.
3 Sec. 7. Effective date
4 Section 28-3174, Arizona Revised Statutes, as amended by section 5 of
5 this act, is effective from and after June 30, 2007.